

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 32-35 are pending in the present application, Claims 32-35 having been amended without the introduction of new matter. The amendments to Claims 21-26 are self-evident and supported by the specification. Applicants respectfully submit that no new matter is added and no new search is required.

In the outstanding Office Action, Claims 32-35 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1-4 of U.S. Patent No. 6,798,976 in view of Yoshimura et al. (U.S. Patent No. 6,157,769).

With respect to the rejections based on non-statutory double patenting, Applicants respectfully submit that Claims 32-35 are patentably distinct from the claims of U.S. Patent No. 6,798,976.

However, to expedite progress toward allowance, a Terminal Disclaimer is filed herewith. Thus, Applicant submits the outstanding rejections of the claims have been overcome.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

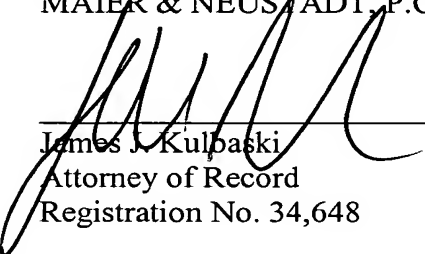
Application No. 10/801,056  
Reply to Office Action of February 27, 2006

In addition, Applicants respectfully request that the Information Disclosure Statement filed on April 10, 2006 be considered on the record and that the Examiner provide an initialed copy of form 1449 with the next Office Communication.

Accordingly, in view of the present amendment and the previous discussion, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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